



Motion to seal provisionally GRANTED.  
SO ORDERED.  
Dated: 7/18/2025

July 16, 2025

**VIA ECF**

Hon. P. Kevin Castel  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

P. Kevin Castel  
United States District Judge

*In re Google Digital Advertising Antitrust Litigation*  
Case No. 1:21-md-03010 (PKC)

Dear Judge Castel:

I write on behalf of the Publisher Class Plaintiffs (“Publisher Plaintiffs”) in the above-referenced matter to seek leave to file preliminary under seal an unredacted version of the Publisher Plaintiffs’ Reply in support of Plaintiffs’ Motion for Class Certification, the Publisher Plaintiffs’ Opposition to Defendants’ Motion to Exclude the Expert Testimony of Prof. Einer Elhauge, and certain exhibits to the Declaration of Izaak Earnhardt (“Earnhardt Declaration”), filed contemporaneously therewith. These exhibits and portions of the briefs contain or reference material that Defendant Google has designated as Confidential or Highly Confidential and material which Plaintiffs designated as Highly Confidential. Accordingly, Publisher Plaintiffs respectfully submit that good cause exists to file preliminarily under seal the unredacted version of the Publisher Plaintiffs’ briefs and certain exhibits to the Earnhardt Declaration. No conference is scheduled.

Because it would have been unduly burdensome to provide Google with seven days’ notice of the precise portion of the material that Publisher Plaintiffs seek to use, Publisher Plaintiffs have previously discussed in good faith a reasonable extension of the deadline with Google. *See* ECF 685 ¶21. Publisher Plaintiffs take no position on Google’s confidentiality designations at this time.

Exhibit No. 2 is an expert declaration prepared by an expert witness for Publisher Plaintiffs which analyzes, quotes or summarizes documents and data that Google has designated as Confidential or Highly Confidential under the protective order in this litigation. Exhibits Nos. 4, 5, 6, 9, and 11 are documents that Google produced in this litigation, designated as Confidential or Highly Confidential. Exhibit No. 7 is a discovery request served on Google in the EDVA litigation; while it does not have a confidentiality designation, in an abundance of caution, Plaintiffs are filing it under preliminary seal to provide Google an opportunity to review the document and determine if they believe that sealing is warranted. Exhibit No. 8 is a letter from Google’s counsel, designated as Highly Confidential.

Pursuant to this Court’s Individual Practices ¶5.B, Publisher Plaintiffs are filing proposed sealed documents electronically through the Court’s ECF system. Publisher Plaintiffs are also filing redacted versions of the briefs publicly on the docket. Publisher Plaintiffs respectfully

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request that the Court defer ruling on this motion for at least one week to permit the parties to meet and confer and for Google to file a motion for sealing, if any.

We appreciate the Court's consideration in this matter.

Respectfully submitted,

/s/ Philip C. Korologos

Philip C. Korologos

BOIES SCHILLER FLEXNER LLP

Copies to: All Counsel of Record (via ECF)

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